

9D-HR-19236  
PATENT

2003. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge deposit account in the amount of \$930.00 to cover this extension of time request also is submitted herewith.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested.

A restriction to either invention I, consisting of claims 1-15 drawn to an air handler, classified in Class 454, subclass 228+, invention II, consisting of claims 16-37 and 53-72, drawn to a quick chill and thaw system, classified in class 165, subclass 48.1, or invention III, consisting of claims 38-52, drawn to a refrigerator, classified in class 62, subclass 3.6+, was imposed. In response, Applicants elect with traverse to prosecute the invention of Group II, claims 16-37 and 53-72. Applicants submit that newly added Claims 73-88 are in Group II and newly added Claims 89-94 are in Group III.

The requirement for election is traversed because Group I has been cancelled and the inventions set out by the claims in Groups II and III are clearly related because a thorough search and examination of any Group would be relevant to the examination of the other Group.

Regarding Groups II and III, the Office Action notes that "the combination as claimed does not require the particulars of the subcombination as claimed because the combination that is Invention III does not require either (a) an air supply flow path and a fan for drawing air through the air supply path from a first compartment into a pan, and an air return path for returning air from the pan to the first compartment or (b) a heater element or (c) a pan rack of the subcombination that is Invention II." Applicants note, however, that Claim 38 of Group III recites that the refrigerator includes an air handler component. As defined in the specification at least on page 9, lines 31-34 to page 10, lines 1-15, the air supply flow path, air return path, the heater element, and the pan rack claimed in Group II are air handler components. Thus, it is believed that the overlapping nature of the Claims of Groups II and III is evident.

As requirements for election are not mandatory under 35 U.S.C. 121, and for the reasons set forth above, reconsideration of the election requirement is requested.

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In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gary Chastine, et al.

Art Unit: 3743

Serial No.: 09/589,330

Examiner: L. V. Ciric

Filed: June 7, 2000

For: REFRIGERATOR WITH QUICK  
CHILL AND THAW SYSTEM

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GROUP 3700

SUBMISSION OF MARKED UP CLAIMS

Mail Stop Non-Fee Amendment  
Hon. Commissioner for Patents  
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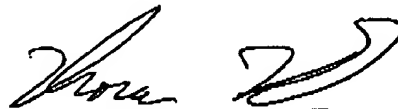
Submitted herewith are marked up claims in accordance with 37 C.F.R. Section 1.211(c)(1)(ii), wherein additions are underlined and deletions are [bracketed].

IN THE CLAIMS

17. (once amended) A quick chill and thaw system in accordance with Claim [1]16 further comprising a re-circulation path for mixing air from said pan with air in said air supply flow path.

52. (once amended) A refrigerator in accordance with Claim [1]38 further comprising a plenum extension in flow communication with said air handler for distributing air within said pan.

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07/08/2003 DBREWER 00000003 012384 09589330

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02 FC:1202 126.00 DA  
03 FC:1201 168.00 DA